

PLANNING COMMISSION (203) 797-4525 (203) 797-4586 (FAX)

MINUTES MAY 16, 2007

The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:36 PM.

Present were Arnold Finaldi Jr., Joel Urice and Alternate Fil Cerminara. Also present was Associate Planner Jennifer Emminger, Deputy Planning Director Sharon Calitro and Planning Director Dennis Elpern.

Absent were John Deeb, Kenneth Keller, Edward Manuel and Alternate Paul Blaszka. Chairman Finaldi asked Mr. Cerminara to take Mr. Deeb's place for the items on tonight's agenda.

Chairman Finaldi said they would table the acceptance of the minutes as they are not done yet. He then announced that there were no new Public Hearings scheduled for this evening.

<u>P & A Associates as Applicant - Application for four (4) lot re-subdivision (10.23 acres)</u> "Proposed Re-subdivision" in the RA-80 Zone - 7 Long Ridge Rd. (#J19003 & #J19010) - Subdivision Code #06-03. *Public hearing opened 4/18/07 - 35 days will be up 5/23/07.*

Mrs. Emminger said they had received a 30-day extension this afternoon along with the revised plans. Mark Kornhaas from Artel Engineering said they had submitted the revised plan showing the shared driveway and all of the necessary supplemental information to support this concept. He said he really had nothing else to add but offered to answer questions.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Mr. Urice made a motion to continue the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously.

<u>Danbury-Newtown LLC - Application for Special Exception to allow new use (Existing Retail, Existing Grocery Store & New Fast Food Restaurant) generating in excess of 500 vehicle trips</u>

per day - 94-102 Newtown Rd. (#M11002) - SE #656. This application has not yet received EIC approval. Public hearing opened 5/2/07 - 35 days will be up 6/6/07.

Attorney Fran Collins asked the project engineer, Ben Doto to respond to some questions about the details of parking and bump out area. Mr. Doto then referred to a blow up of the area pointing out that the only change is whether the bump out should be striped. He said the City Traffic Engineer prefers the other plan. He then submitted a response to the Staff Report and pointed out the detail of the turning radius that is attached to the back of his memo.

Craig Way who is director of leasing for the property owner, said he had spoken to the property manager about the broken pavement and it has been repaired and re-striped. He said they are aware that they need landscaping within the existing islands, and once this is approved, they will be doing all of the landscaping work. Mr. Urice asked if he was volunteering that they would do this. Mr. Doto said he is doing a planting plan for this but it will also show what was previously approved. Mrs. Emminger said since it was on the previously approved plan, it has to be replaced. Attorney Collins said they are still waiting for a decision from EIC and the 35 days will not be up until the next meeting. Mr. Doto asked what he should do about the trees that are required in the right-of-way. Mrs. Emminger said he should show them on the plan with a note stating that they will be determined by the DOT.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Urice made a motion to continue the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously.

<u>City of Danbury by Dennis I. Elpern, Planning Director - Application to Amend Chapters 5, 6 & 7 of the City of Danbury Subdivision Regulations (Street Names, Legal Provisions & Definitions).</u> *Public hearing closed 5/2/07 -65 days will be up 7/6/07.*

Mr. Urice made a motion to table this until the next meeting. Mr. Cerminara seconded the motion and it was passed unanimously.

At 8:10 PM, Mrs. Emminger excused herself and left the meeting.

NEW BUSINESS:

GRC Property Investment & Development, LLC - Application for five (5) lot re-subdivision (5.195 acres) "The Tarrywile Wood" in the RA-20 Zone - 20 Southern Blvd & 6 Brushy Hill Rd. (#I16238 & #I17021) - Subdivision Code #07-02. *Public hearing scheduled for July 18, 2007.*

Chairman Finaldi said that this would be on file in the Planning Office.

Mrs. Calitro asked that they add the following item to the agenda as a Referral: 8-24 Referral/Additional Common Counsel Referral for Acquisition of Sidewalk Easements for the White Street Streetscape Project. Mr. Urice made a motion to add this item as #10 under the Referrals listed on tonight's agenda. Mr. Cerminara seconded the motion and it was passed unanimously.

<u>8-24 Referral/February '06 CC Agenda Item #26– Eagle Road Center LLC/Transfer of Property to City of Danbury. *Tabled pending receipt of additional information.*</u>

8-3a Referral – Petition of A & S Properties Inc. to Amend Secs 2.B. & 5.E. of the Zoning Regulations. (Add "Mixed Use Building" to the CN-5 Zone as Special Exception) *Public hearing scheduled for June 12, 2007.*

<u>8-3a Referral – Petition of Allegiance Capital Group Inc. to Amend Secs. 5.E.2 & 5.E.4. of the Zoning Regulations. (Add Self-Storage as Permitted Use in CN-20 Zone) *Public hearing scheduled for June 12, 2007.*</u>

Mr. Urice made a motion to table these three matters, which were listed on the agenda as items #1, #8 & #9. Mr. Cerminara seconded the motion and it was passed unanimously.

8-3a Referral – Petition of Louis Sproviero to Amend Sec. 5.D.2.a. of the Zoning Regulations (Add Laundromat as permitted use in CL-10 Zone). Zoning Commission public hearing scheduled for May 22, 2007.

Chairman Finaldi read the staff report into the record. Mr. Urice asked if the existing laundromats are illegal or pre-existing non-conforming. Mr. Elpern said he did not check each one out individually so he is not sure but this use conforms to the purpose and intent of this zone. It is not a heavy traffic generator and typically is used in the off-hours, so the Staff has no problem with this request. Mr. Urice made a motion to give this a positive recommendation for the following reasons:

Based on the purpose and intent of the CL-10 zone and the fact that approximately 30% of the existing laundromats in Danbury are located in the CL-10 Zone, this would be an appropriate use in this zone. Additionally, the areas zoned CL-10 adjoin heavily concentrated residential districts or the perimeter of the central business district, so these uses would be located in an appropriate commercial setting

Mr. Cerminara seconded the motion and it was passed unanimously.

8-3a Referral – Petition of Paul Fernandes to Amend Sec. 5.F.2.a. of the Zoning Regulations. (Add Laundromat as permitted use in C-CBD Zone). Zoning Commission public hearing scheduled for May 22, 2007.

Chairman Finaldi read the staff report into the record. Mr. Urice said if we are adding this to the CL-10 zone, we should not need this petition since a CL-10 zone abuts the C-CBD on the south end of Main St. Chairman Finaldi said if we are encouraging housing in the downtown and residential development is on the increase in the downtown, this is a use that would support that. He added that he worked downtown for 20 years and there is need for this. Mr. Elpern said although the CL-10 zone is close on the map, it is pretty far to walk with your laundry in tow. Mr. Urice said he does not think it is necessary; there are plenty of Laundromats in Danbury. Mr. Elpern said we are trying to make it convenient and within walking distance to serve those residents who do not drive yet live in the downtown. Mr. Cerminara made a motion to give this a positive recommendation for the following reasons:

• There is a need for services like this to be available in this zone as there are many apartments already and new residential development is on the increase in the downtown.

Chairman Finaldi seconded the motion and it was passed with two ayes (from Mr. Cerminara and Chairman Finaldi) and one nay (from Mr. Urice).

<u>8-24 Referral/May '07 CC Agenda Item #10 – Lease Agreement for Concession Stand at Town</u> Park.

Mrs. Calitro explained that this lease is to operate the concession stand at Candlewood Town Park. The lease was prepared by Corporation Counsel, so all of the language is in order. Additionally, this stand was operated in prior years by relatives of this proposed lessee. There were no questions from the Commission. Mr. Urice made a motion to give this a positive recommendation. Mr. Cerminara seconded the motion and it was passed unanimously.

<u>8-24 Referral/May '07 CC Agenda Item #13 – Acquisition of Drainage Easements for 32 & 34 Birch Rd.</u>

Mrs. Calitro explained that these parcels are already encumbered by drainage and water easements granted to the City. The Highway Dept. needs these additional easements to relieve flooding in the area of these properties. If these easements are granted, the City will install a series of catch basins and pipe within the easement area to connect to the existing drainage system in Birch Rd. This will benefit the immediate properties by directing and discharging stormwater to a defined system managed by the City. There were no questions from the Commission members. Mr. Urice made a motion to give this a positive recommendation. Mr. Cerminara seconded the motion and it was passed unanimously.

8-3a Referral – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.E. & 5.D.3. of the Zoning Regulations. (Amend Definitions, Special Exception Uses and CL-10 Zone). *Public hearing scheduled for May 22, 2007.*

Mr. Elpern said this is an effort to correct some problems and provide clarification by adding definitions and criteria for certain uses. Chairman Finaldi said this will help the Commission in their review of certain special exception uses. There was no discussion. Mr. Urice made a motion to give this a positive recommendation for the following reasons:

• These amendments add and revise some definitions as well as clarify and include design standards for uses that become special exceptions based on trip generation.

Mr. Cerminara seconded the motion and it was passed unanimously.

8-3a Referral – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.F.3.,.8.A., 9.B.1., 10.B.1. & 10.D. of the Zoning Regulations. (Amend Definitions, Excavations, Erosion & Sedimentation Controls, Non-conforming Lots, Zoning Permits & Site Plan Review) *Public hearing scheduled for May 22, 2007.*

Mr. Elpern distributed the errata explaining that these came about after the petition was in its final draft. He then listed the various people who have already reviewed and contributed to this: the Mayor, Corporation Counsel, the Engineering Dept., the Fire Marshal, the Building Inspector, the Zoning Enforcement Officer, and more. He said they added a definition of mining and quarrying because we are going to prohibit it. Mrs. Calitro explained that changes were necessary to the grading regulations because we needed to add controls and standards. Mr. Elpern said there is no real change to the section on non-conformities; he just tried to make it readable and simplify it as it has always been confusing. He said changes were necessary to the section on zoning permits. He explained that the Commissions do not get involved with permitting, but the ZEO deals with all of this stuff. He said language was added to determine when a grading permit is required. They also added requirements for what is to be shown on a plot plan, and language on site drainage which requires an Engineering review. These were things that both the ZEO and the Engineering Dept. wanted for clarity. Much of this has always been policy but it was never stated anywhere. He said the next section deals with the site plan review process. Much of what is required as part of a site plan submission is also not written down anywhere; it is just existing practice that dictates what is necessary. This new language will specify exactly what is required as part of a site plan application. He explained that the majority of the site plan review is done administratively, only site plans that are part of special exception applications come before this Commission. What has been happening for quite a while is that parts of the application come into the office, which starts the clock ticking on the 65 day time period as mandated by the Statutes for this review. The engineer tells his client that he has submitted everything, meanwhile we are missing essential reports or documents (e.g.; drainage calculations or traffic study) needed to complete the review. We then have to call them to remind them we need these things and they eventually get them to us, but this delay causes problems for the review. We are looking to get a complete application in at the

beginning so we don't have to look at things several times. This is the main reason we decided to revamp the list of site plan contents. We have been doing this all along but now we are putting the supplemental documents list into the Regulations. There have been times when we have had difficulty getting information because this list was not in the Regulations, so people felt they did not have to provide it. He said we added a few new things, but mostly just reorganized the list. Some of the things that were added were: a landscape plan is to be prepared by a Landscape Architect, also the requirement that certification be provided that landscaping was done in accordance with approved plan. We have had the requirement that the engineer provide certification that the drainage was installed in compliance with the approved plan. He then explained the Waiver to Site Plan Requirements which is something we have always done, but it has never been in our Regs. He said he revised the section on sewer and water permits, added clarification on Stormwater drainage. The section on Fire Protection is all new because we never had anything before, but this is what the Fire Marshal wants when they do their review. He said he added some language to the Traffic Impact section about the Commission being able to require improvements and clarifying that the ITE standards are to be used in preparing the traffic report. He said all of this will help the staff during administrative reviews and also make the Commission's job easier because we will have the legislation to require specific information be submitted. He suggested that they mention in their recommendation that these changes will address some of the problems that the Commission goes through during the public hearing process. Mr. Urice made a motion to give this a positive recommendation along with notation that many of the changes will remedy issues that they constantly have to deal with. He gave the following reasons for his motion:

• These amendments will prevent land use conflicts, establish standards and clarify language, improve the permit process, and facilitate site plan reviews.

Mr. Cerminara seconded the motion and it was passed unanimously.

<u>8-24 Referral/Additional CC Referral – Acquisition of Sidewalk Easements, White Street Streetscape Project.</u>

Mrs. Calitro explained that they are in the final stages of design and getting ready to start construction on this project. Most of the improvements will take place in the street right-of-way. She said a letter from the Mayor will be going out tomorrow to the property owners who will be affected by this work. She added that all of the documents were drafted by Corporation Counsel. Mr. Cerminara asked if these properties are grandfathered and Mrs. Calitro explained that in these two specific properties, we need a little more than all the rest of the parcels, so that is why the easements are necessary. She said this work will make it better for the property owners once it is done. .Mr. Urice made a motion to give this a positive recommendation because the White Street Streetscape Improvement project is endorsed in the Plan of Conservation & Development. Mr. Cerminara seconded the motion and it was passed unanimously.

There was nothing under Other Matters and Correspondence. Under For Reference Only were listed three Applications for Floodplain Permits and the Public Hearings scheduled for June 6, 2007 and June 20, 2007.

At 9:45 PM, Mr. Urice made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.